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January 25, 2024

VIA ECF

The Honorable Michael E. Farbiarz, U.S.D.J.
United States District Court
Martin Luther King Jr. Fed. Bldg. & U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07101

Re: *Impact Biomedicines, Inc. v. Teva Pharmaceuticals, Inc.*
Civil Action No. 23-21385 (MEF)(LDW)

Dear Judge Farbiarz:

This firm, together with Quinn Emanuel, represents Plaintiff Impact Biomedicines, Inc. in the above-captioned matter.

We are pleased to inform the Court that the parties have reached an amicable resolution of this matter. Accordingly, enclosed for Your Honor's consideration is a Consent Judgment, which, subject to the Court's approval, would dismiss this case. If the enclosed Consent Judgment meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink that reads "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: Hon. Leda D. Wettre, U.S.M.J. (via ECF)
 All counsel (via email)

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IMPACT BIOMEDICINES, INC.,

Plaintiff,

v.

TEVA PHARMACEUTICALS, INC.,

Defendant.

Civil Action No. 23-21385 (MEF)(LDW)

(Filed Electronically)

CONSENT JUDGMENT

Plaintiff Impact Biomedicines, Inc. (“Impact”) and Defendant Teva Pharmaceuticals, Inc. (“Teva”), the parties in the above-captioned action, hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

IT IS this ___ day of _____, 2024:

ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties for purposes of this action only, including as set forth below in Paragraph 6 of this Consent Judgment.

2. As used in this Consent Judgment, the term “Teva ANDA Product” shall mean a drug product manufactured, imported, sold, offered for sale, marketed, or distributed pursuant to Abbreviated New Drug Application No. 218907 in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico.

3. As used in this Consent Judgment, the term “Patents-in-Suit” shall mean U.S. Patent Nos. 10,391,094 and 11,400,092.

4. Until expiration of the Patents-in-Suit, Teva, including any of its successors and assigns, is enjoined from infringing the Patents-in-Suit, on its own part or through any third party on its behalf, by making, having made, using, selling, offering to sell, importing, or distributing of the Teva ANDA Product in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico, except as specifically authorized by Impact, and is further enjoined from assisting or cooperating with any third parties in connection with any infringement of the Patents-in-Suit by any such third parties in connection with making, having made, using, selling, offering to sell, importing, or distributing of any fedratinib-containing drug product that references New Drug Application No. 212327 in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico, except as otherwise specifically authorized by Impact.

5. Compliance with this Consent Judgment may be enforced by Impact and its respective successors in interest or assigns.

6. This Court retains jurisdiction to enforce the terms of this Consent Judgment and to enforce and resolve any disputes related thereto.

7. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements, or attorney fees to either party.

8. Nothing herein prohibits or is intended to prohibit Teva from maintaining any “Paragraph IV Certification” pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) or pursuant to 21 C.F.R. § 314.94(a)(12) with respect to the Patents-in-Suit.

9. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving Abbreviated New Drug Application No. 218907 or the Teva ANDA Product.

Hon. Michael E. Farbiarz, U.S.D.J.

Dated: January 25, 2024

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